

Measuring Federalism: Proposal on the Creation of a Federalism Index

Grantee, Program:

Center for Constitutional Studies, Utah Valley University. Proposal Year: 2018-2019 (AY).

Program:

Support for the second phase of development of a Federalism Educational Curriculum, designed as a four-stage process: 1) Fall 2018 Conference on Federalism, hosted by the Center for Constitutional Studies at Utah Valley University; 2) Research on the origins of American Federalism, supported by and in collaboration with the Quill Project at Oxford University; 3) Development of the first publically accessible Federalism Index.

Grant Amount Request:

\$83,960

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Executive Summary:

The Center for Constitutional Studies Center for Constitutional Studies at Utah Valley University (CCS) is a nonpartisan, academic center that promotes the instruction, study, and research of constitutionalism, the rule of law, and ordered liberty.

Our goal in the CCS is twofold: a) to increase constitutional literacy; and b) to provide a pathway for outstanding students in the Intermountain West to succeed in law, politics, education, and related academic and professional careers.

The CCS is housed in Academic Affairs at Utah Valley University. Utah Valley is the largest university in the state of Utah. The CCS was founded in 2012 under the joint efforts of the office of Academic Affairs and faculty from the history and political science department at UVU.

The size and location of UVU provides a unique opportunity to fulfill our mission and mandate. We have an established record working with the Utah State Commission on Federalism, including “The Principles of Federalism,” an online CLE course available at:

<https://www.uvu.edu/ccs/projects/federalismcle.html>

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In the last few years, CCS has exceeded expectations and is happy to report that it has more than delivered on its initial promises. CCS has: hosted more than fifteen major events; facilitated multiple student workshops and essay contests; created a journal on Constitutional studies; and recently delivered a powerful new research project, in collaboration with Oxford University, that digitally models the 1787 United States Constitution.

Proposal Narrative:

CCS was first charged in 2011 with becoming a regional hub for constitutional studies. Since then, it has focused on expanding its challenging academic programming; providing students with opportunities to engage in serious scholarship; and continuing to serve as an academic resource with the primary aim of promoting constitutional literacy.

Objectives:

We are excited to partner again with the Commission on Federalism on a new initiative, divided in to three interconnected development stages:

1) implementation of a Fall 2018 Conference on Federalism, provisionally focused on the history of the Commerce Clause; 2) breaking ground on original research on the origins of American Federalism, supported by and in collaboration with the Quill Project at Oxford University; 3) development of the Federalism Index, which aims to become the premiere online hub for data, research, and measurement of the state of federalism in the United States today.

1) Fall 2018 Conference

Each year the Center for Constitutional Studies hosts a major multi-day conference to honor and observe Constitution Day. We propose a two-day conference on the topic of the history of the commerce clause. Day 1 will focus on the how interpretation of the Commerce Clause has changed over time. Day 2 will focus on assessment of commerce clause implementation across and between states. The conference will invite and combine working scholars in the field with practitioners from all levels of government and law.

2) Federalism at the Constitutional Convention

Utah Valley University has partnered with the Quill Project at Oxford with the aim of providing students, teachers, scholars, and practitioners a new and dynamic way of interacting with the records of the Constitutional Convention of 1787. The Quill platform places UVU, CCS, and the Commission on Federalism in a unique position to examine and *make accessible for the first time* the original negotiated understanding of the meaning and purpose of the United States federal system. Using the Quill timeline, CCS will provide the first visual representation of the negotiations at the Constitutional Convention around the topic of Federalism. The final project will provide lawyers, judges, scholars, and legislators a new way to discover and explain why Federalism mattered to the Framers; how the negotiations over this concept unfolded during the Constitutional Convention; and to gain a clearer sense of the historical scope and jurisdictional limits of the Federal system as envisioned by the architects of the 1787 Constitution.

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3) Federalism Index

The analysis of the division of authority between the states and federal government is not merely an academic exercise. To make federalism work, we must first be able to measure – as accurately as possible - the current division of labor between levels of government. To that end, CCS proposes the creation of a user-friendly dashboard, which, over a period of 1-3 years, will become the basis for an online, publically accessible, and widely recognized “Federalism Index.”

The proper measurement of the state of Federalism today is a national matter that transcends party loyalties. Creation of a non-partisan tool to accurately appraise changes to the Federal system affects: 1) prospects for a healthy national dialogue on volatile policy conflicts from immigration to economic growth; 2) the ability of states to continue to act as laboratories of democracy; 3) the future of policy innovation and the testing of new public policies, from healthcare to welfare reform and land.

Evaluation:

- 1) Conference impact (measured by number of students and non-student attendees)
- 2) Federalism research (as measured by the launch, in 2019, of a “Federalism at the Constitutional Convention” report, published on uvu.edu/ccs and available online through the Quill Project)
- 3) Student engagement (number of students employed in the Academic Year 2019, involved in high-level academic research / development of the Federalism Index)
- 4) Academic publications (one peer-reviewed article on Federalism at the Constitutional Convention)
- 5) Project completion (launch, in 2019, of the first “tier” of the Federalism Index)

Compare:

Comparable projects: Family Prosperity Index (Sutherland Institute)

The National Rankings for Family Prosperity measures more than 50 social and economic factors in the creation and maintenance of family health and prosperity. This index provides an easy to use (user friendly) graphical interface, which allows the reader to quickly compare how a states scores on “FPI,” defined as on that is “moving toward the goal of creating family prosperity.”

The Index is divided in to a “National Quick Look” and a “Utah Quick Look,” allowing users to easily compare important variables, including: family economics, family demographics, family self-sufficiency, family structure, etc. Measurement is defined in call-out boxes, which also include a short description of the **policy relevance** and **policy implications** of each measured variable.

Long-term Goal:

A comparable “Federalism Index” should aim to track 10-15 Federalism topics across all 50 states and territories. End users should be able to find: a) updated Federalism scores for all 50 states using primary sources gathered and aggregated by CCS research fellows; b) an easy to

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read inter-state comparison highlighting why Federalism matters; c) an online interactive tool that allows users to customize inputs and produce reliable summaries, graphs, and reports.

Short-term Goal:

Creation of an online Federalism Index “model” (or prototype) that would represent *at least one* policy-relevant variable and provide a technologically advanced platform for future research on the State of Federalism in the United States today.

Budget:

Project Supervisor	\$40,000
Postdoctoral Research Fellow	\$30,000
Research Assistant	\$8960 (28 hours per week x 32 weeks)
Web Development	\$5000
TOTAL:	\$83,960

It is an honor and a pleasure to continue working with the Utah State commission on federalism. Please do not hesitate to contact our office with questions or for clarification.

Warm regards,

Andrew Scott Bibby & Rodney K. Smith, Center for Constitutional Studies, Utah Valley University.

Date Submitted: May 9, 2018

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